

Public Hearing
at the Offices of

USIBWC

4171 North Mesa Street, C-100

El Paso, Texas 79912

on Tuesday, January 27, 2004

A P P E A R A N C E S

Mr. R.C. Wooten

Mr. Douglas Echlin

Dr. Carlos Victorio

ORIGINAL

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 THE FACILITATOR: Good evening, ladies
2 and gentlemen. If everyone would please take a seat.
3 Thank you. My name is R.C. Wooten. I'm with Parsons
4 in Austin, and I'm the public hearing facilitator for
5 this evening. I welcome you to tonight's public
6 hearing on the draft Environmental Impact Statement
7 and the river management alternatives for the Rio
8 Grande Canalization Project.

9 For the record, let me state that this
10 public hearing is being convened at 7:00 p.m. on
11 Tuesday, January 27, 2004, in the first floor
12 conference room at the offices of the United States
13 International Boundary and Water Commission, 4171
14 North Mesa Street, El Paso, Texas.

15 I want to let you know that the entire
16 proceedings are being recorded by a court reporter and
17 that an official transcript will be prepared and
18 posted on the IBWC's website within two weeks of this
19 meeting.

20 The purpose of this public hearing is
21 to provide you with an opportunity to present your
22 views, opinions and recommendations concerning the
23 draft Environmental Impact Statement. Parsons has
24 provided support to the USIBWC in preparing this draft
25 Environmental Impact Statement.

1 At this time, I want to introduce our
2 panel here this evening. Mr. Doug Echlin, he's the
3 project manager for the U.S. section of the United
4 States Boundary and Water Commission on this project,
5 and Dr. Carlos Victorio who is the EIS project manager
6 for Parsons from Austin, Texas.

7 We will begin with a presentation of
8 the draft EIS by Mr. Echlin to review the alternatives
9 and look -- take a look at the environmental effects
10 of this proposal.

11 MR. ECHLIN: Thank you, R.C.

12 Let me start with the project area.
13 The canalization project is a 105-mile segment of the
14 Rio Grande from the low Percha Dam to American Dam in
15 New Mexico and Texas. The river segment was modified
16 in early 1940s to improve water delivery and flood
17 control. The project has been operated and maintained
18 by the USIBWC.

19 We're dealing with a long, narrow
20 corridor, typically 500 to 1,000 feet wide, largely
21 enclosed by levees. It extends from Percha Dam in New
22 Mexico to American Dam in El Paso. The project
23 encloses about 8332 acres of land, 11,000 acres
24 including the river bed.

25 The action under consideration is the

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 long-term change in river management practices and
2 implementation of environmental measures. The EIS is
3 conducted as required by the 1969 National
4 Environmental Policy Act, or NEPA, to assess effects
5 of any major action conducted by a federal agency.

6 A key element in the development of
7 alternatives is of the need to meet the canalization
8 project requirements for flood control and water
9 deliveries. Today's hearing is an integral part of
10 the EIS, the review of the draft EIS by the public and
11 agencies that will extend until March 1st, extended at
12 stakeholders' request.

13 The development of alternatives
14 followed a three-year consultation process that
15 resulted in the preparation of an alternatives
16 formulation report in March 2001 and a reformulation
17 of alternatives report distributed in August 2003.
18 Comments received during the review period will be
19 addressed by the USIBWC and final EIS will be
20 prepared. We anticipate release in April.

21 The USIBWC will select an alternative
22 for implementation after the comment period and
23 indicate its selection in the final EIS. After the
24 final EIS 30-day waiting period, the record of
25 decision will be published.

1 An extensive and open consultation
2 process has been followed for EIS preparation.
3 Stakeholders include the public, federal, state and
4 local agencies, elected officials, academic
5 institutions, irrigation districts and environmental
6 organizations. The initial scoping meetings took
7 place in November 1999. Input received was
8 incorporated into a preliminary formulation of
9 alternatives that was then discussed in technical
10 workshops and public presentations. A final report
11 was made available to stakeholders in March 2001.

12 Additional input and recommendations
13 from stakeholders were then included in a set of
14 reformulated alternatives, reviewed in subsequent
15 workshops and presentations, and completed in a final
16 report in August of 2003. The potential effects of
17 alternatives under consideration were evaluated in the
18 draft EIS released to the public on December the 18th
19 and filed with Environmental Protection Agency as
20 required by the NEPA process, and it was announced
21 December 24th in the EPA Notice of Availability.

22 A series of river management
23 alternatives were developed and modified based on
24 stakeholder input. Following a three-year evaluation
25 period, a no-action alternative and three action

alternatives were selected for evaluation in the EIS.

The no-action alternative maintains operations and maintenance procedures as currently conducted; a second alternative that emphasizes flood control, a third alternative that focuses on management modification to lands under USIBWC jurisdiction; a fourth alternative that intends to partially restore environmental condition of the river.

Current practices were arranged in four management categories for analysis of potential changes. Levee system management includes routine inspection and maintenance, including the levee road, vegetation control, and local repairs as needed. Floodway management includes vegetation control by annual mowing to control the vegetation, uses of grazing leases, and cooperative agreements for recreational use of IBWC lands.

Channel maintenance includes removal of obstructions from the channel, as well as maintenance of infrastructure such as gates and other irrigation facilities and the American Diversion Dam. Sediment management includes dredging of the mouths of the arroyos as required and maintenance of the National Resources Conservation Service sediment control dams.

1 The first three action alternatives
2 focuses on flood control improvement. The levee
3 system is efficient, but potential improvements were
4 identified in a 1996 study conducted by the U.S. Army
5 Corps of Engineers. And that was a study using
6 modeling.

7 The IBWC is currently completing an
8 evaluation of the levee system along the canalization
9 project. This alternative would include identified
10 levee improvements such as increased height, which in
11 flood control terms is called the "free board." New
12 grazing leases would be modified to meet Environmental
13 Protection Agency and Bureau of Land Management
14 management guidelines as required by the USIBWC
15 directives. Options would be evaluated for outside
16 right-of-way sediment disposal from dredging
17 operations.

18 The second action alternative includes
19 environmental measurements to improve overall
20 ecosystem conditions on USIBWC lands. This
21 alternative would include identified levee
22 improvements and changes in grazing leases as
23 identified in the previous alternative.

24 A key element of the alternative is the
25 increase in native vegetation along the riverbanks for

1 stabilization and to provide wildlife habitat. Use of
2 managed grasslands on the floodway was identified as a
3 measure to control erosion and to provide wildlife
4 habitat.

5 Riparian bosques, the predominantly
6 cottonwood forested areas by the sides of the river,
7 would be developed by selected floodway locations for
8 bank stabilization and wildlife habitat. Two
9 environmental measures would be used, depending on the
10 site elevation. Tree planting and lowering of stream
11 banks, all measures to be implemented within USIBWC
12 lands. A 20-year time frame would be used for
13 implementation of this alternative.

14 At full implementation, the anticipated
15 modifications would apply to modified grazing
16 guidelines, about 43 percent of the lands under USIBWC
17 jurisdiction compliance with new directives. About 20
18 percent of right-of-way would be converted from an
19 annual mowing regime to managed native grasslands.

20 A potential for 223 acres of planting
21 area was identified, a potential for cottonwood willow
22 establishment. Lowering of stream banks was
23 identified for about 127 acres of USIBWC lands, which
24 is approximately 2 percent of the total land. The
25 extent of planting and bank shavedowns would be

1 dictated by practical considerations, such as extent
2 of soil removal and disposal.

3 The third alternative would improve
4 ecosystems in USIBWC lands and partially restore
5 stream conditions. Levee improvements, as identified
6 for previous alternatives are included. Also included
7 are changes in floodway maintenance, grazing lease
8 modification, managed grasslands and cottonwood
9 planting for bank stabilization and wildlife habitat
10 development.

11 Limited stream channel reconfiguration
12 would be conducted at selected locations. Three
13 potential measures are, partially reopening of six
14 meanders closed during the canalization construction,
15 modify arroyo, dredging to diversify the habitat, and
16 controlled water releases from Caballo Dam for
17 overbank flows.

18 At full implementation at 20 years, the
19 anticipated modifications would apply to modified
20 grazing guidelines, about 42 percent of the
21 right-of-way. About 20 percent of the right-of-way
22 would be converted to managed grasslands. A potential
23 for 189 acres of planting areas was identified.
24 That's 3 percent. Overbank flows would extend up to
25 516 acres that include voluntary conservation

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 easements limited to the Rincon Valley.

2 A number of issues analyzed for
3 development of alternatives were related to Rio Grande
4 Canalization Project functionality. Among these are,
5 comply with the canalization project mission for flood
6 control and efficient water delivery. Potential levee
7 deficiencies limited the extent and location of
8 environmental measures under consideration. The need
9 for control of salt cedar and avoid reduction in flood
10 control capability requires continued mowing of
11 approximately 2200 acres, or about half of the
12 currently mowed areas.

13 Water-related issues were extensively
14 analyzed for development of alternatives. Key issues
15 for implementation are feasibility of several
16 environmental measures is tied to water availability.
17 The need for compensation for water consumption was
18 evaluated as part of the effects analysis.

19 Water acquisition by sponsoring on-farm
20 conservation programs was given the first priority for
21 implementation. Retaining existing farmlands in
22 production along the canalization project was adopted
23 as a goal.

24 Potential effects on water resources
25 are tabulated for the five -- I'm sorry -- for the

1 four alternatives. At full implementation, 20-year
2 horizon, potential increase in water consumption
3 relative to current conditions would be 1078 acre feet
4 per year for flood control improvement alternative
5 equivalent to about two-tenths of a percent of the
6 current water diversions along the canalization
7 project. 2203 acre feet per year for integrated land
8 management alternative, equivalent to about .35
9 hundredths of a percent of current diversions along
10 the canalization project. 9461 acre feet per year for
11 the targeted river restoration alternative, equivalent
12 to about 1.55 percent of current diversions along the
13 canalization project. Most consumption due to one
14 measure, controlled water releases. Overall long-term
15 improvement in water quality by erosion control and
16 delivery by bank stabilization. Short-term adverse
17 effects due to ground disturbance.

18 A comparative effect analysis in terms
19 of biological resources indicates considerable
20 positive changes relative to current conditions would
21 be associated with two alternatives. For the
22 integrated land management alternatives, improvements
23 would be in native bosque and grasslands increases,
24 350 and 1641 acres.

25 For the targeted river restoration

1 alternative, greater improvements would be expected,
2 particularly in native bosques, 1549 acres. Salt
3 cedar control would be a benefit of implementing
4 environmental measures, 130 and 543 acres,
5 respectively.

6 Land use change in areas outside the
7 right-of-way would be expected. With the proposed
8 on-farm conservation program, land retirement would be
9 limited to material borrow sites for levee
10 rehabilitation, estimated at 50 acres. For the
11 targeted river restoration alternative, 288 acres of
12 farmland would be added as voluntary conservation
13 easements. Without the proposed on-farm conservation
14 program, additional farmland would need to be retired
15 for acquisition of water rights.

16 The estimated acreage would be 734 and
17 3154 acres for the integrated land management and the
18 targeted river restoration alternatives, respectively.
19 For all alternatives, existing and proposed USIBWC
20 incentives for park, recreational use within the
21 right-of-way would be continued as cooperative
22 agreements.

23 To sum up the presentation, the USIBWC
24 is currently considering four alternatives for
25 long-term management of the Rio Grande canalization

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 project. Those alternatives range from continuation
2 of current practices to multiple changes in floodway
3 management and aquatic habitat diversification.

4 Potential effects of each alternative
5 were evaluated in the draft EIS that has been
6 available for public review since December 18th, 2003.
7 Comments will be addressed in the final EIS. A
8 preferred alternative will be selected by the USIBWC
9 after the comments are addressed.

10 I'll give the podium back to you.

11 THE FACILITATOR: Thank you, Doug.

12 Now we're going to move into the public
13 comment portion of the program. When you signed in
14 this evening we asked that you would fill out a card
15 if you intended to speak. So far I only have two
16 cards. If there is anyone else who's decided to speak
17 now that you have heard the presentation, please fill
18 out a card and hand it in at the table to Peggy so we
19 can put you in line for your comments.

20 I ask that everyone give all the
21 speakers your courtesy in not make any comments during
22 their presentation, that you limit your verbal
23 statements to five minutes each. In your handout, we
24 did give you some ground rules, and we would expect
25 that you follow those ground rules for speaking.

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 When you're called, please come forward
2 to the microphone in the center of the seats there.
3 Speak into the microphone. Identify yourself by your
4 full name and affiliation. This is for the purpose of
5 the public record. As a reminder, the ground rules
6 for comments are provided in the handout given to you
7 this evening.

8 Our first commenter this evening will
9 be Mr. Kevin Von Finger, if you would come forward,
10 please.

11 MR. VON FINGER: I guess I'm more
12 confused than when I came in here, which wasn't too
13 hard to do. I noticed that the statistics for tree
14 planting, riparian plantings, 200-some acres, but the
15 increase in the bosque would be over 1500 acres.
16 What's -- so a lot of bosque increase is not from
17 planting. What is it due to?

18 THE FACILITATOR: Mr. Echlin, if you
19 would like to clarify.

20 MR. ECHLIN: The bosques are areas that
21 preexist. We have bosques within our right-of-way in
22 the Rincon Valley. And it's those areas that we're
23 talking about. Tree plantings would be areas that
24 don't necessarily already have trees and likely could
25 support further forestation.

1 MR. VON FINGER: So there really wasn't
2 an increase in that graph you saw? The graph had 1500
3 acres. I thought that was an increase. Maybe that
4 could be clarified.

5 THE FACILITATOR: We will clarify that
6 in the EIS. Our primary role is to take the comments.
7 We appreciate that concern, and we'll make sure that's
8 addressed and clarified.

9 MR. VON FINGER: I've got another
10 question for you. Tree planting, the 223 acres
11 approximately, does that mean that there won't be any
12 additional cottonwood planting of the kind that you've
13 done in the past, up and down the entire stretch? Is
14 that not -- I mean, that's not excluded, is it?

15 MR. ECHLIN: No. The plantings that
16 we've done in the past, we're just taking it to
17 another level. We're going to be identifying the
18 areas where we feel that the tree plantings are going
19 to be even better supported by the reconfiguration, if
20 you will, of these point projects that are identified
21 in the EIS.

22 MR. VON FINGER: But that doesn't
23 exclude other areas to be planted.

24 MR. ECHLIN: That are already planted
25 or --

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 MR. VON FINGER: No, that are not
2 planted that could. For example, you can continue
3 doing what you started a long time ago.

4 MR. ECHLIN: I would suspect that there
5 may be additional areas that probably could be
6 supported.

7 MR. VON FINGER: You may want to
8 clarify that in the EIS. It does not artificially
9 constrain the planting; otherwise, it sounds kind of
10 arbitrary.

11 MR. ECHLIN: It will be helpful, Kevin,
12 if you would put your comments in writing. I would
13 appreciate it, and that way we can address them in the
14 EIS as well.

15 MR. VON FINGER: I will do that. And I
16 do have another question on the hydrological model.
17 From what I understand, you're using a one dimension,
18 and doesn't that -- instead of a two-dimensional
19 model. Isn't two dimensions much more robust in terms
20 of data it gives you? That's what I'm told, and
21 that's what I've read, especially in terms of lateral
22 flow.

23 MR. ECHLIN: We'll take that as a
24 comments and address it in our responses in the EIS.

25 MR. VON FINGER: Okay.

1 MR. ECHLIN: We've addressed it in the
2 reformulation of alternatives report as well. I can't
3 recall the exact chapter where that's located.

4 MR. VON FINGER: Because it sounds like
5 it might be very important to have that extra data,
6 and it might benefit folks to just delay the decision
7 making until you get that extra data. That's all I've
8 got.

9 MR. ECHLIN: Thank you.

10 THE FACILITATOR: Thank you very much
11 for your comment, Mr. Von Finger.

12 Our next commenter will be Lori Rivera.

13 MS. RIVERA: My name is Lori Rivera. I
14 would like to make a few comments on behalf of the
15 Ysleta del Sur Pueblo's Environmental Management
16 Office at 119 South Old Pueblo, El Paso, Texas.

17 First, I would like to point out that
18 the Ysleta del Sur Pueblo is a federally recognized
19 Indian Tribe that has significant historical,
20 cultural, and religious ties to the Rio Grande. Our
21 people have a significant stake in water quantity,
22 environmental quality, and cultural resource issues.

23 Second, Table 3.10-2 summarizes the
24 consultation that supposedly occurred with Native
25 American tribes. The table indicates that the Ysleta

1 del Sur Pueblo made no response to the letter or
2 follow-up call by the IBWC. A letter and phone call
3 do not constitute consultation. Consultation is the
4 bilateral government-to-government process of
5 negotiation, cooperation, and policy level decision
6 making.

7 My third point is, on pages 3-61 and
8 3-62 both known and undiscovered archeological
9 resources are discussed. The Ysleta del Sur Pueblo is
10 culturally affiliated with all known Puebloan groups,
11 Ancestral Pueblo sites, and all Jornada Mogollon,
12 Piro, Suma, Manso, and Jumano sites. The Tribe is
13 also culturally affiliated with all prehistoric,
14 protohistoric, and historic indigenous cultural
15 traditions found in our Spanish Land Grant areas as
16 well as aboriginal claim area.

17 THE FACILITATOR: Thank you very much
18 for your comment.

19 Our next commenter will be Mr. Armando
20 Vega. Come forward, please.

21 MR. VEGA: My name is Armando Vega.
22 I'm a consultant with A and R Environmental Service.
23 And my question is regarding grassland management
24 grass. Specifically, it will describe that there are
25 going to be some modifications in grazing leases.

1 That is -- and it's also described as changes in range
2 land management. Those are pretty much the same. I
3 mean, modifying a grazing lease would modify the
4 grassland management, but those -- the changes are not
5 described. They are just mentioned.

6 In order to evaluate those -- someone
7 that wants to contribute to this draft Environmental
8 Impact Statement needs to know what the current
9 management is and what the current leases, agreements,
10 are, and then what the changes are going to be. You
11 don't describe in the draft Environmental Impact
12 Statement. Can someone here elaborate a little on
13 those?

14 THE FACILITATOR: We -- thank you for
15 your comment, and what we are trying to do tonight is
16 just take comments. We will address that comment in
17 the EIS to clarify that.

18 MR. VICTORIO: In the description of
19 chapter 3 -- in chapter 2, when we described the
20 actions for each alternative, we do describe what the
21 grasslands management, native grasslands management,
22 is or entails and the modification of grazing leases.
23 And you're right -- I'll be able to point out to you.
24 It's in generic terms.

25 But essentially, they are separate

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 areas. Right now we have grazing areas that are
2 established, and we have agreed with the lessees for
3 several years. And what we would like to do with that
4 is put directives in place to improve erosion control.
5 That might be rotation of grazing areas or different
6 ways to manage that land.

7 The other areas are separate, and that
8 will be native grasslands. Grassland areas that would
9 not have cattle at all. They would be intended to
10 encourage the development of native grasses. They are
11 separate areas.

12 I guess that was the -- I'll be glad to
13 show you where in the document you can find some more
14 information.

15 THE FACILITATOR: Thank you.

16 Is there someone else who would like to
17 make a comment? Is there someone else who would like
18 to make a comment? You can come forward to the
19 microphone.

20 We would appreciate you saving any
21 written comments. We have forms in the back on the
22 table. If there are no more comments, the comment
23 period has been extended to March 1st, based on the
24 request of several stakeholders.

25 Thank you to USIBWC for hosting this

USIBWC PUBLIC HEARING - JANUARY 27, 2004

1 hearing, and to all of you for attending. If there
2 are no other comments, no one desires to speak, this
3 hearing is now adjourned.

4 (Hearing adjourned)
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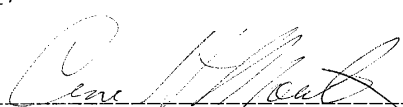
USIBWC PUBLIC HEARING - JANUARY 27, 2004

C E R T I F I C A T E

The State of Texas)
County of El Paso)

I, Anne H. Mountin, a Certified
Shorthand Reporter in and for the State of Texas,
hereby certify that this transcript is a true record
of said proceedings, and that said transcription is
done to the best of my ability.

Given under my hand and seal of
office on this 10th day of
February, 2004.


Anne H. Mountin, Texas CSR #4803
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El Paso, Texas 79901
My Commission expires: 12/31/05

<p>established 20:2 establishment 8:22 estimated 12:10,16 evaluate 19:6 evaluated 5:17 7:15 10:18 13:5 evaluation 5:24 6:1 7:8 evening 2:1,5 3:2 13:14 14:7,8 exact 17:3 example 16:2 exclude 15:23 excluded 15:14 existing 10:21 12:19 expect 13:24 expected 12:1,7 expires 22:19 extend 4:11 9:24 extended 4:11 20:23 extends 3:21 extensive 5:1 extensively 10:13 extent 8:25 9:1 10:7 extra 17:5,7</p> <hr/> <p>F</p> <p>F 22:1 facilitator 2:1,4 13:11 14:18 15:5 17:10 18:17 19:14 20:15 facilities 6:22 far 13:15 farmland 12:12,14 farmlands 10:21 feasibility 10:15 federal 4:5 5:3 federally 17:18 feel 15:18 feet 3:20 11:3,7,10 filed 5:19 fill 13:14,17 final 4:19,23,24 5:10 5:15 13:7 find 20:13 Finger 14:9,11 15:1,9 15:22 16:1,7,15,25 17:4,11 Firm 22:17 first 2:11 7:1 10:20 14:8 17:17 five 10:25 13:23 flood 3:16 4:8 6:4 7:2 7:11 10:5,9 11:4 floodway 6:15 8:2,7 9:7 13:2 floor 2:11 flow 16:22 flows 9:17,24 focuses 6:5 7:2 folks 17:6</p>	<p>follow 13:25 followed 4:14 5:2 Following 5:24 follow-up 18:2 forestation 14:25 forested 8:6 forms 20:21 formulation 4:16 5:8 forward 14:1,9 18:20 20:18 found 18:15 four 6:10 11:1 12:24 fourth 6:7 frame 8:12 free 7:11 full 8:14 9:18 11:1 14:4 functionality 10:4 further 14:25</p> <hr/> <p>G</p> <p>gates 6:21 generic 19:24 gentlemen 2:2 give 13:10,20,24 given 10:20 14:6 22:12 gives 16:20 glad 20:12 goal 10:23 going 13:12 15:17,18 18:25 19:10 Good 2:1 government-to-gove... 18:4 Grande 2:8 3:14 10:3 12:25 17:20 Grant 18:15 graph 15:2,2 grass 18:24 grasses 20:10 grassland 18:23 19:4 20:8 grasslands 8:2,19 9:8 9:22 11:23 19:21,21 20:8 grazing 6:17 7:12,22 8:15 9:7,20 18:25 19:3,22 20:1,5 greater 12:1 ground 11:17 13:24,25 14:5 groups 18:10 guess 14:11 20:12 guidelines 7:14 8:16 9:20</p> <hr/> <p>H</p> <p>H 22:7,16 habitat 8:1,4,8 9:9,15 13:3 half 10:11</p>	<p>hand 13:18 22:12 handout 13:23 14:6 hard 14:13 heard 13:17 hearing 1:1 2:4,6,10,20 4:9 21:1,3,4 height 7:10 helpful 16:11 historic 18:14 historical 17:19 horizon 11:2 hosting 20:25 hundredths 11:9 hydrological 16:16</p> <hr/> <p>I</p> <p>IBWC 6:18 7:7 18:2 IBWC's 2:18 identified 7:4,9,21,23 8:2,21,23 9:5,23 15:20 Identify 14:3 identifying 15:17 Impact 2:6,23,25 19:8 19:11 implementation 4:2,22 8:13,14 9:18 10:15 10:21 11:1 implemented 8:11 implementing 12:3 important 17:5 improve 3:16 7:19 9:3 20:4 improvement 7:2 11:4 11:15 improvements 7:3,10 7:22 9:5 11:22 12:1 incentives 12:20 include 5:3 7:9,21 9:25 included 5:13 9:6,6 includes 6:12,15,19,23 7:18 including 3:24 6:13 incorporated 5:8 increase 7:25 11:2 14:15,16 15:2,3 increased 7:10 increases 11:23 Indian 17:19 indicate 4:23 indicates 11:19 17:25 indigenous 18:14 information 20:14 infrastructure 6:21 initial 5:6 input 5:7,12,24 inspection 6:13 institutions 5:5 integral 4:9 integrated 11:7,22</p>	<p>12:17 intended 13:15 20:9 intends 6:7 International 2:13 introduce 3:1 irrigation 5:5 6:21 issues 10:2,13,14 17:22</p> <hr/> <p>J</p> <p>January 1:6 2:11 Jornada 18:11 Jumano 18:12 jurisdiction 6:7 8:17</p> <hr/> <p>K</p> <p>Kevin 14:9 16:11 key 4:6 7:24 10:14 kind 15:12 16:9 know 2:15 19:8 known 18:8,10</p> <hr/> <p>L</p> <p>ladies 2:1 land 3:23 7:13 8:24 11:7,22 12:6,8,17 18:15 19:2 20:6 lands 6:6,18 7:20 8:12 8:16,23 9:4 largely 3:20 lateral 16:21 lease 9:7 19:3 leases 6:17 7:12,22 18:25 19:9,22 lessees 20:2 letter 18:1,2 levee 6:12,13 7:2,8,10 7:21 9:5 10:6 12:9 leaves 3:21 level 15:17 18:5 limit 13:22 limited 9:11 10:1,7 12:9 line 13:19 little 19:12 local 5:4 6:14 located 17:3 location 10:7 locations 8:7 9:12 long 3:19 16:3 long-term 4:1 11:14 12:25 look 3:9,9 Lori 17:12,13 lot 14:16 low 3:14 lowering 8:10,22</p> <hr/> <p>M</p> <p>Main 22:18 maintained 3:17</p>	<p>maintains 6:2 maintenance 6:3,13,19 6:20,24 9:7 major 4:5 making 17:7 18:6 manage 20:6 managed 8:2,19 9:8,22 management 2:7 4:1 5:22 6:6,11,12,15,23 7:13,14 11:8,22 12:17,25 13:3 17:15 18:23 19:2,4,9,21,21 manager 3:3,5 Manso 18:12 March 4:11,16 5:11 20:23 material 12:9 mean 15:11,14 19:3 meanders 9:14 measure 8:3 11:14 measurements 7:19 measures 4:2 8:9,11 9:13 10:8,16 12:4 meet 4:7 7:12 meeting 2:19 meetings 5:6 mentioned 19:5 Mesa 1:4 2:14 Mexico 3:15,22 microphone 14:2,3 20:19 minutes 13:23 mission 10:5 model 16:16,19 modeling 7:6 modification 6:6 9:8 19:22 modifications 8:15 9:19 18:25 modified 3:15 5:23 7:12 8:15 9:19 modify 9:15 19:3 modifying 19:3 Mogollon 18:11 Mountain 22:7,16 mouths 6:23 move 13:12 mowed 10:12 mowing 6:16 8:19 10:10 multiple 13:2</p> <hr/> <p>N</p> <p>N 1:8 name 2:3 14:4 17:13 18:21 narrow 3:19 National 4:3 6:24 native 7:25 8:19 11:23 12:2 17:24 19:21</p>
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<p>20:8,10 necessarily 14:24 need 4:7 10:8,17 12:14 needed 6:14 needs 19:8 negotiation 18:5 NEPA 4:4 5:20 new 3:15,21 7:11 8:17 North 1:4 2:14 Notice 5:21 noticed 14:13 November 5:7 no-action 5:25 6:2 number 10:2</p> <hr/> <p>O</p> <p>obstructions 6:20 occurred 17:24 office 17:16 22:13 offices 1:2 2:12 official 2:17 officials 5:4 Okay 16:25 Old 17:16 on-farm 10:19 12:8,13 open 5:1 operated 3:17 operations 6:3 7:17 opinions 2:22 opportunity 2:21 Options 7:15 order 19:6 organizations 5:6 outside 7:15 12:6 overall 7:19 11:14 overbank 9:17,24</p> <hr/> <p>P</p> <p>P 1:8,8 pages 18:7 panel 3:2 park 12:20 Parsons 2:3,23 3:6 part 4:9 10:18 partially 6:8 9:4,13 particularly 12:2 Paso 1:5 2:14 3:22 17:16 22:4,18 Peggy 13:18 people 17:21 percent 8:16,18,24 9:20,21,24 11:5,9,12 Percha 3:14,21 period 4:18,22,24 5:25 20:23 phone 18:2 Piro 18:12 place 5:7 20:4 planted 15:23,24 16:2 planting 8:10,20,25 9:9</p>	<p>9:23 14:14,17 15:10 15:12 16:9 plantings 14:14,23 15:15,18 please 2:2 13:17 14:1 14:10 18:20 podium 13:10 point 15:20 17:17 18:7 19:23 policy 4:4 18:5 portion 13:13 positive 11:20 posted 2:18 potential 5:16 6:11 7:3 8:20,21 9:13,22 10:6 10:24 11:2 13:4 practical 9:1 practices 4:1 6:10 13:2 predominantly 8:5 preexist 14:21 preferred 13:8 prehistoric 18:13 preliminary 5:8 preparation 4:15 5:2 prepared 2:17 4:20 preparing 2:24 present 2:21 presentation 3:7 12:23 13:17,22 presentations 5:10,15 pretty 19:2 previous 7:23 9:6 primary 15:6 priority 10:20 probably 16:5 procedures 6:3 proceedings 2:16 22:10 process 4:14 5:2,20 18:4 production 10:22 program 12:8,14 13:13 programs 10:20 project 2:8 3:3,4,5,12 3:13,17,22 4:8 7:9 10:4,5,22 11:7,10,13 13:1 projects 15:20 proposal 3:10 proposed 12:7,13,19 Protection 5:19 7:13 protohistoric 18:14 provide 2:21 8:1,3 provided 2:24 14:6 public 1:1 2:4,5,10,20 4:10 5:3,10,18 13:6 13:12 14:5 published 4:25 Pueblo 17:16,18 18:1,9 18:11 Puebloan 18:10</p>	<p>Pueblo's 17:15 purpose 2:20 14:4 put 13:19 16:12 20:4 p.m 2:10</p> <hr/> <p>Q</p> <p>quality 11:15 17:22 quantity 17:21 question 15:10 16:16 18:23</p> <hr/> <p>R</p> <p>R 1:8 18:22 22:1 range 13:1 19:1 RASBERRY 22:17 read 16:21 really 15:1 recall 17:3 received 4:18 5:7 recognized 17:18 recommendations 2:22 5:12 reconfiguration 9:11 15:19 record 2:9 4:24 14:5 22:9 recorded 2:16 recreational 6:18 12:20 reduction 10:9 reformulated 5:14 reformulation 4:16 17:2 regarding 18:23 regime 8:19 Registration 22:17 rehabilitation 12:10 related 10:3 relative 11:3,20 release 4:20 released 5:18 releases 9:16 11:14 religious 17:20 reminder 14:5 removal 6:19 9:2 reopening 9:13 repairs 6:14 report 4:16,17 5:10,16 17:2 reporter 2:16 22:8 request 4:12 20:24 required 4:3 5:20 6:24 7:14 requirements 4:8 requires 10:10 resource 17:22 resources 6:25 10:24 11:19 18:9 respectively 12:5,18 response 18:1 responses 16:24</p>	<p>restoration 11:11,25 12:11,18 restore 6:8 9:4 resulted 4:15 Retained 10:21 retiring 12:14 retirement 12:8 review 3:8 4:10,18 13:6 reviewed 5:14 right 19:23 20:1 rights 12:15 right-of-way 7:16 8:18 9:21,21 12:7,21 14:21 Rincon 10:1 14:22 Rio 2:7 3:14 10:3 12:25 17:20 riparian 8:5 14:14 river 2:7 3:15,24 4:1 5:22 6:9 8:6 11:11,25 12:11,18 Rivera 17:12,13,13 riverbanks 7:25 road 6:13 robust 16:19 role 15:6 room 2:12 rotation 20:5 routine 6:12 rules 13:24,25 14:5 R.C 1:9 2:3 3:11</p> <hr/> <p>S</p> <p>S 1:8 salt 10:9 12:2 saying 20:20 saw 15:2 scoping 5:6 seal 22:12 seat 2:2 seats 14:2 second 6:4 7:18 17:23 section 3:3 sediment 6:22,25 7:16 segment 3:13,15 select 4:21 selected 6:1 8:7 9:12 13:8 selection 4:23 separate 19:25 20:7,11 series 5:22 Service 6:25 18:22 set 5:13 shavedowns 8:25 Shorthand 22:8 Short-term 11:16 show 20:13 sides 8:6 signed 13:13 significant 17:19,21</p>	<p>site 8:10 sites 12:9 18:11,12 soil 9:13 soil 9:2 sorry 10:25 sounds 16:9 17:4 South 17:16 Spanish 18:15 speak 13:15,16 14:3 21:2 speakers 13:21 speaking 13:25 Specifically 18:24 sponsoring 10:19 stabilization 8:1,8 9:9 11:16 stake 17:21 stakeholder 5:24 stakeholders 4:12 5:3 5:11,13 20:24 start 3:12 started 16:3 state 2:9 5:3 22:3,8 Statement 2:6,23,25 19:8,12 statements 13:23 States 2:12 3:4 statistics 14:13 stream 8:10,22 9:5,11 Street 1:4 2:14 stretch 15:13 study 7:4,5 subsequent 5:14 Suite 22:18 sum 12:23 Suma 18:12 summarizes 17:23 support 2:24 14:25 supported 15:19 16:6 supposedly 17:24 Sur 17:15,18 18:1,9 sure 15:7 suspect 16:4 system 6:12 7:3,8</p> <hr/> <p>T</p> <p>T 22:1,1 table 13:18 17:23,25 20:22 tabulated 10:25 take 2:2 3:9 15:6 16:23 19:16 talking 14:23 targeted 11:11,25 12:11,18 technical 5:9 terms 7:11 11:18 16:19 16:21 19:24 Texas 1:5 2:14 3:6,15 17:16 22:3,8,16,18</p>
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